

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DUSTIN FITZGERALD,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 08-1534
vs.	)	Judge Nora Barry Fischer
	)	Magistrate Judge Cathy Bissoon
BUFFALO & PITTSBURGH RAIL ROAD,	)	
INC.,	)	
	)	
Defendant.	)	

**ORDER OF COURT**

The above captioned case was filed on November 3, 2008, and was assigned to United States Magistrate Judge Cathy Bissoon. Upon the filing of notices of District Judge Option (Doc. No. 8 and 9), Judge Nora Barry Fischer was assigned and the case was referred back to Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation (Doc. No. 45), on March 7, 2011, that recommended the Motion for Summary Judgment filed by the Defendant Buffalo and Pittsburgh Railroad, Inc. be denied. The Defendant filed timely Objections to the Report and Recommendation (Doc. No. 46) on March 24, 2011. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of July, 2011;

IT IS HEREBY ORDERED that Defendant Buffalo and Pittsburgh Railroad, Inc.'s Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 45) of Magistrate Judge Bissoon, dated March 7, 2011, is adopted as the opinion of the court.

s/ Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

CC/ECF: All counsel of record.